

ESTTA Tracking number: **ESTTA642912**

Filing date: **12/05/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

| | | | |
|---------|--|-------------|------|
| Name | Little Busy Bodies, LLC | | |
| Entity | Limited Liability Company | Citizenship | Ohio |
| Address | 1130 Findlay Street Cincinnati, OH 45214 UNITED STATES | | |

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|----------------------|--|
| Attorney information | Hillary A. Brooks Marger Johnson & McCollom, P.C. 210 SW Morrison Street, Ste. 400 Portland, OR 97204 UNITED STATES litigationdocketing@techlaw.com, hillary_brooks@techlaw.com, lisadavis@techlaw.com Phone:503-222-3613 |
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Registrations Subject to Cancellation

| | | | |
|-----------------|---|-------------------|------------|
| Registration No | 4321112 | Registration date | 04/16/2013 |
| Registrant | Kas Direct, LLC 4 Kuhl Avenue Hicksville, NY 11801 UNITED STATES | | |

Goods/Services Subject to Cancellation

Class 005. First Use: 2012/05/15 First Use In Commerce: 2012/05/15
All goods and services in the class are cancelled, namely: Decongestant nasal sprays

Grounds for Cancellation

| | | | |
|--------------------------------------|--|-------------------|------------|
| False suggestion of a connection | Trademark Act section 2(a) | | |
| Priority and likelihood of confusion | Trademark Act section 2(d) | | |
| The mark is merely descriptive | Trademark Act section 2(e)(1) | | |
| Other | Likelihood of confusion with Petitioner's family of marks - Trademark Act section 2(d) | | |
| Registration No | 4324414 | Registration date | 04/23/2013 |
| Registrant | Kas Direct, LLC 4 Kuhl Avenue Hicksville, NY 11801 UNITED STATES | | |


Goods/Services Subject to Cancellation


Class 005. First Use: 2012/06/05 First Use In Commerce: 2012/06/05
All goods and services in the class are cancelled, namely: Nose drops

Grounds for Cancellation


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|--------------------------------------|--|
| False suggestion of a connection | Trademark Act section 2(a) |
| Priority and likelihood of confusion | Trademark Act section 2(d) |
| The mark is merely descriptive | Trademark Act section 2(e)(1) |
| Other | Likelihood of confusion with Petitioner's family of marks - Trademark Act section 2(d) |


Marks Cited by Petitioner as Basis for Cancellation

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 4162748 | Application Date | 04/01/2009 |
| Registration Date | 06/26/2012 | Foreign Priority Date | NONE |
| Word Mark | BOOGIE | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 003. First use: First Use: 2007/11/00 First Use In Commerce: 2007/11/00 Baby wipes; disposable nasal wipes impregnated with saline; disposable wipes impregnated with saline for personal hygiene; pre-moistened cosmetic wipes; scent-infused pre-moistened cosmetic wipes; moisturizing disposable wipes impregnated with cleansing chemicals or compounds for personal hygiene; moisturizing baby wipes for animals; pre-moistened cosmetic wipes for animals | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3541165 | Application Date | 07/18/2007 |
| Registration Date | 12/02/2008 | Foreign Priority Date | NONE |
| Word Mark | BOOGIE WIPES | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 003. First use: First Use: 2007/11/00 First Use In Commerce: 2007/11/00 wipes for noses, namely, disposable paper materials impregnated with saline | | |

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|-----------------------|---------|------------------|------------|
| U.S. Registration No. | 3750406 | Application Date | 05/28/2008 |
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|---------------------|---|-----------------------|------|
| Registration Date | 02/16/2010 | Foreign Priority Date | NONE |
| Word Mark | BOOGIE MOMS | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 003. First use: First Use: 2008/02/00 First Use In Commerce: 2008/02/00 wipes for noses, namely, disposable paper materials impregnated with saline | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3560905 | Application Date | 06/05/2008 |
| Registration Date | 01/13/2009 | Foreign Priority Date | NONE |
| Word Mark | BOOGIES ON THE RUN | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 003. First use: First Use: 2008/03/01 First Use In Commerce: 2008/03/01 wipes for noses, namely, disposable paper materials impregnated with saline | | |

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|-----------------------|--------------|-----------------------|------------|
| U.S. Registration No. | 4109524 | Application Date | 05/14/2010 |
| Registration Date | 03/06/2012 | Foreign Priority Date | NONE |
| Word Mark | BOOGIE BUDDY | | |

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| Design Mark |  |
| Description of Mark | NONE |
| Goods/Services | Class 028. First use: First Use: 2010/08/00 First Use In Commerce: 2010/08/00 plush toys; fluff toys; stuffed toys; stuffed toy animals; dolls; promotional toys, namely, stuffed animals |

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| Attachments | 77704750#TMSN.png(bytes) 77233002#TMSN.png(bytes) 77485579#TMSN.png(bytes) 77492320#TMSN.png(bytes) 85039330#TMSN.png(bytes) 00139068.PDF(80829 bytes) |
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|---------------------|
| Signature | /Hillary A. Brooks/ |
| Name | Hillary A. Brooks |
| Date | 12/05/2014 |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of U.S. Trademark Registration No. 4,321,112
For the mark: LET'S BOOGIE!
Filed: August 25, 2012
Published: January 29, 2013
Registered: April 16, 2013

In the matter of U.S. Trademark Registration No. 4,324,414
For the mark: LET'S BOOGIE!
Filed: September 12, 2012
Published: February 5, 2013
Registered: April 23, 2013

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|--------------------------|---|------------------------|
| LITTLE BUSY BODIES, LLC, |) | |
| |) | Cancellation No. _____ |
| Petitioner, |) | |
| |) | |
| v. |) | |
| |) | |
| KAS DIRECT, LLC, |) | |
| |) | |
| Registrant. |) | |

CONSOLIDATED PETITION TO CANCEL

1. Little Busy Bodies, LLC, an Ohio limited liability company having a business address of 1130 Findlay Street, Cincinnati, Ohio 45214 (“Petitioner”), believes that it is damaged by registration of the mark LET'S BOOGIE! that is the subject of U.S. Trademark Registration No. 4,321,112 for “decongestant nasal sprays” registered April 16, 2013 and U.S. Trademark Registration No. 4,324,414 for “nose drops” registered April 23, 2013 (collectively, “Registrant’s LET'S BOOGIE! Mark”), by Kas Direct, LLC, a New York limited liability company having an address of record of 4 Kuhl Avenue, Hicksville, New York 11801 (“Registrant”). Petitioner requests cancellation of U.S. Trademark Registration No. 4,321,112 and U.S. Trademark Registration No. 4,324,414.

As first grounds for cancellation, Petitioner alleges as follows:

2. Petitioner owns U.S. Trademark Registration No. 4,162,748 for the mark BOOGIE for “baby wipes; disposable nasal wipes impregnated with saline; disposable wipes

impregnated with saline for personal hygiene; pre-moistened cosmetic wipes; scent-infused pre-moistened cosmetic wipes; moisturizing disposable wipes impregnated with cleansing chemicals or compounds for personal hygiene; moisturizing baby wipes for animals; pre-moistened cosmetic wipes for animals” issued June 26, 2012. Petitioner owns U.S. Trademark Registration No. 3,541,165 for the mark BOOGIE WIPES for “wipes for noses, namely, disposable paper materials impregnated with saline” issued December 2, 2008. Petitioner owns U.S. Trademark Registration No. 3,750,406 for the mark BOOGIE MOMS for “wipes for noses, namely, disposable paper materials impregnated with saline” issued February 16, 2010. Petitioner owns U.S. Trademark Registration No. 3,560,905 for the mark BOOGIES ON THE RUN for “wipes for noses, namely, disposable paper materials impregnated with saline” issued January 13, 2009. Petitioner owns U.S. Trademark Registration No. 4,109,524 for the mark BOOGIE BUDDY for “plush toys; fluff toys; stuffed toys; stuffed toy animals; dolls; promotional toys, namely, stuffed animals” issued March 6, 2012. (Collectively, “BOOGIE Marks”).

3. Registrant’s LET’S BOOGIE! Mark so resembles Petitioner’s previously registered BOOGIE Marks as to be likely, when used on or in connection with the goods of Registrant, to cause confusion, mistake, or deception.

As second, alternative, grounds for cancellation, Petitioner alleges as follows:

4. Petitioner, since prior to Registrant’s filing date or any date of first use upon which Registrant can rely, has used and not abandoned its BOOGIE Marks as trademarks for disposable nasal wipes and/or other related goods.

5. Registrant’s LET’S BOOGIE! Mark so resembles Petitioner’s BOOGIE Marks as to be likely, when used on or in connection with the goods of Registrant, to cause confusion, mistake, or deception.

As third, alternative, grounds for cancellation, Petitioner alleges as follows:

6. Petitioner is the owner of a family of BOOGIE marks, including BOOGIE, BOOGIE WIPES, BOOGIE MOMS, BOOGIES ON THE RUN, and BOOGIE BUDDY for disposable nasal wipes and/or other related goods.

7. Petitioner, since prior to Registrant's filing date or any date of first use upon which Registrant can rely, has used and promoted its marks BOOGIE, BOOGIE WIPES, BOOGIE MOMS, BOOGIES ON THE RUN, and BOOGIE BUDDY as a family of marks.

8. Registrant's LET'S BOOGIE! Mark is so similar to Petitioner's family of marks that, when used on or in connection with the goods of Registrant, is likely to be perceived as another member of Petitioner's family of marks, and is likely to cause confusion, mistake, or deception.

As fourth, alternative, grounds for cancellation, Petitioner alleges as follows:

9. Registrant's LET'S BOOGIE! Mark when used on or in connection with the goods of Registrant is merely descriptive.

As fifth, alternative, grounds for cancellation, Petitioner alleges as follows:

10. Registrant's LET'S BOOGIE! Mark when used on or in connection with the goods of Registrant falsely suggests a connection with Petitioner's name or identity.

Petitioner requests the Board cancel U.S. Trademark Registration No. 4,321,112 and U.S. Trademark Registration No. 4,324,414.

Dated this 5th day of December, 2014.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

/Hillary A. Brooks/

Hillary A. Brooks

Registration No. 45,815

Attorney for Petitioner

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
(503) 222-3613

CERTIFICATE OF ELECTRONIC FILING

The undersigned hereby certifies that this CONSOLIDATED PETITION TO CANCEL was electronically filed with the Trademark Trial and Appeal Board on December 5, 2014.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing CONSOLIDATED PETITION TO CANCEL was served upon Registrant on December 5, 2014, by forwarding said copy via First Class Mail to both the Owner Address of Record and the Attorney/Correspondent Address of Record as follows:

Kas Direct, LLC
4 Kuhl Avenue
Hicksville, NY 11801

Margarita Wallach, Esq.
McCarter & English, LLP
245 Park Avenue, 27th Floor
New York, NY 10167

/Lisa Davis/
Lisa Davis